



Entered on Docket
August 09, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE
COMPANY,
USA CAPITAL REALTY ADVISORS,
LLC,
USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,
USA CAPITAL FIRST TRUST DEED
FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: April 26, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

- ☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

**ORDER SUSTAINING SEVENTH OMNIBUS OBJECTION OF THE USACM
LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS EXCEPT
PROOF OF CLAIM NO. 10725-2307 FILED BY DG MENCHETTI LTD. PENSION PLAN**

The USACM Liquidating Trust (the “USACM Trust”) filed its Seventh Omnibus Objection to Claims Asserting Secured Status [DE 3145] (the “Objection”) on March 20, 2007. Appropriate notice of the Objection was given. A response to the objection was filed with this Court as follows:

Opposition filed by the Mantas Group on behalf of DG Menchetti, Ltd. Pension Plan) regarding Claim No. 10725-2307 [DE 3507]. An Order Approving Stipulation with counsel allowing the claim as an unsecured claim, albeit subject to further objection, was signed by this Court on June 4, 2007 [DE 3887]. Counsel deleted DG Menchetti Ltd. Pension Plan’s claim from the exhibit to the Seventh Omnibus Objection attached to this Order.

No other responses were filed with this Court. The Objection came before the Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust’s Seventh Omnibus Objection to Claims Asserting Secured Status listed on Exhibit A attached;
- Reclassifying the Proofs of Claim listed on Exhibit A attached as general unsecured claims; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to any and all claims listed on Exhibit A attached as unsecured claims or otherwise, whether or not the subject of this Objection.

PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
- ☐ approved the form of this order;
- ☐ waived the right to review the order;
- ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- ☒ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order:
- ☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing (none required).

APPROVED/DISAPPROVED

BOLICK & BOYER

By: _____
Erven T. Nelson
Attorneys for Leo G. Mantas and Others

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
Attorneys for USACM Liquidating Trust

7th Objection to Claims Asserting Secured Status - Reclassify as General Unsecured Claims

<u>Claimant</u>	<u>Proof of Claim Number</u>	<u>Date Filed</u>	<u>Proof of Claim Amount</u>	<u>Proof of Claim Classification</u>
1 Cynthia D Burdige Trust U/A Dated 4/13/00 C/O Cynthia D Burdige Trustee 100 Nw 82Nd Ave Ste 305 Plantation, FL 33324-1835	10725-00937	11/2/2006	\$427,692.00	S
2 Cynthia G Davis Living Trust C/O Cynthia G Davis Trustee 2465 Telluride Dr Reno, NV 89511-9155	10725-01919	1/10/2007	\$101,493.06	S, U
3 D & P Curtis Trust Dated 7/27/01 Patricia M & Dan L Curtis Ttees 404 Club Ct Las Vegas, NV 89144-0838	10725-00720	10/25/2006	\$100,000.00	S
4				
5 D&P Curtis Trust Patricia M & Dan L Curtis Ttees 404 Club Ct Las Vegas, NV 89144	10725-00765	10/25/2006	\$100,000.00	S
6 D`Elia, Humberto 72 Paradise Pkwy Henderson, NV 89074-6200	10725-00951	11/2/2006	\$50,000.00	S
7 Dalton Trust Dtd 1/7/94 C/O Bert A Stevenson Trustee 500 N Estrella Pkwy Ste B2 405 Goodyear, AZ 85338-4135	10725-01892	1/8/2007	Unknown	S, U
8 Daniel & Virginia Salerno Family Trust Dtd 8/9/89 Daniel N & Virginia P Salerno Ttees Po Box 7869 Incline Village, NV 89452-7869	10725-00274	9/27/2006	\$212,026.22	S
9 Daniel D Newman Trust Dtd 11/1/92 C/O Daniel D Newman Trustee 125 Elysian Dr Sedona, AZ 86336	10725-02030	1/11/2007	\$714,018.67	S, U

10	Daniel Living Trust Mark A & Cathy A Daniel Ttees 20 Redonda Irvine, CA 92620	10725-02267	1/12/2007	\$559,993.83	S, U
11	Daniel O & Takeko Carlton Revoc Trust Dtd 4/30/97 C/O Daniel & Takeko Carlton Ttee 4697 Hooktree Rd Twentynine Palms, CA 92277-6723	10728-00043	9/25/2006	\$17,260.84	S
12	Daniel O & Takeko Carlton Revoc Trust Dtd 4/30/97 C/O Daniel & Takeko Carlton Ttee 4697 Hooktree Rd Twentynine Palms, CA 92277-6723	10728-00044	9/25/2006	\$75,000.00	S
13	Daniel O & Takeko Carlton Revoc Trust Dtd 4/30/97 C/O Daniel & Takeko Carlton Ttee 4697 Hooktree Rd Twentynine Palms, CA 92277-6723	10728-00045	9/25/2006	\$55,000.00	S
14	Daniel O & Takeko Carlton Revoc Trust Dtd 4/30/97 C/O Daniel & Takeko Carlton Ttee 4697 Hooktree Rd Twentynine Palms, CA 92277-6723	10728-00046	9/25/2006	\$55,000.00	S
15	Daniel O & Takeko Carlton Revoc Trust Dtd 4/30/97 C/O Daniel & Takeko Carlton Ttee 4697 Hooktree Rd Twentynine Palms, CA 92277-6723	10728-00049	9/25/2006	\$50,000.00	S
16	Daniel, Deborah A 249 S Vista Del Monte Anaheim, CA 92807	10725-02035	1/11/2007	\$202,376.95	S, U
17	Daniel, Gregory Scott 20 Redonda Irvine, CA 92620	10725-02164	1/12/2007	\$50,746.52	S, U
18	Daraskevius, Joseph G & Ardee S 2761 Kiowa Blvd S Lake Havasu City, AZ 86403	10725-00816	10/30/2006	\$275,000.00	S
19	Daraskevius, Joseph G & Ardee S 2761 Kiowa Blvd South Lake Havasu City, AZ 86403	10725-00865	10/31/2006	\$275,000.00	S

20	Daryl Blanck & Yvonne Blanck Trust Dated 3/23/94 Daryl L. Blanck & Yvonne M. Blanck, Ttees 1243 Country Club Dr. Laughlin, NV 89029	10725-00601	10/6/2006	\$13,737.00	S
21	Daryl L. Blanck & Yvonne M. Blanck Trustees Of The Daryl Blanck & Yvonne Blanck Trust Dated 3/23/94 1243 Country Club Dr. Laughlin, NV 89029	10725-00602	10/16/2006	\$21,396.39	S
22	David A Gean Revocable Trust Dtd 4/3/92 C/O Marsha Kendall Trustee 6615 E Pacific Coast Hwy #260 Long Beach, CA 90803-4228	10725-02006	1/10/2007	\$255,892.98	S, U
23	David L Gross Family Trust Dtd 12/4/94 C/O David L Gross Trustee 895 On The Green Biloxi, MS 39532-3229	10725-00314	9/29/2006	\$100,000.00	S
24	Davis Family Trust C/O Joseph Davis & Marion Sharp 3100 Ashby Ave Las Vegas, Nv 89102-1908	10725-02334	1/13/2007	\$750,000.00	S, U
25	Davis Investments 3100 Ashby Ave Las Vegas, Nv 89102-1908	10725-02333	1/13/2007	\$1,000,000.00	S, U
26	Davis Ira, Joseph 3100 Ashby Ave Las Vegas, Nv 89102	10725-02332	1/13/2007	\$6,000.00	S, U
27	Davis Yoder Trust Dtd 12/16/00 Robert J Yoder & Nancy R Davis Ttees 12291 Prosser Dam Rd Truckee, CA 96161	10725-02084	1/11/2007	\$610.82	S, U
28	Davis, Todd 360 W 55Th St Apt 1G New York, Ny 10019	10725-02330	1/13/2007	\$575,000.00	S, U
29	Dcgt Fbo Claude M Penchina Roth Ira 74 Rue De Sevres Paris 75007 France	10725-01546	12/4/2006	\$51,692.44	U S - Unknown

30	Decedents Trust Of The Restated Moon Irrevoc Trust Dtd 6/12/87 Frieda Moon Ttee 2504 Callita Ct Las Vegas, NV 89102	10725-00009	5/22/2006	\$37,860.24	S
31	Deller, Ross 1469 Harmony Hill Henderson, Nv 89014	10725-00039	5/8/2006	\$50,000.00	S
32	Deller, Ross 1469 Harmony Hill Henderson, Nv 89014	10725-00040	5/8/2006	\$50,000.00	S
33	Deller, Ross 1469 Harmony Hill Henderson, Nv 89014	10725-00041	5/8/2006	\$100,000.00	S
34	Deller, Ross 1469 Harmony Hill Henderson, NV 89014	10725-00042	5/8/2006	\$120,000.00	S
35	Deller, Ross 1469 Harmony Hill Henderson, Nv 89014	10725-00053	6/5/2006	\$100,000.00	S
36	Dennis G Campton Md Psp C/O Dennis G Campton Trustee 5741 Kens Pl Pahrump, NV 89060-1751	10725-01030	11/6/2006	\$59,209.25	S, U
37	Dery Tenants In Common, Ann R & James D 19601 Van Aken Blvd Shaker Heights, OH 44122	10725-02062	1/11/2007	\$151,807.59	S, U
38	Dery, James D & Ann R Husband & Wife 19601 Van Aken Blvd Shaker Heights, OH 44122	10725-02063	1/11/2007	\$1,396,673.86	S, U
39	Desert Commercial Sweeping Inc Christopher D Jaime Esq Po Box 30000 Maupin Cox & Legoy Reno, NV 89520	10725-00518	10/18/2006	\$70,000.00	S
40	Desert Commercial Sweeping C/O Christopher D. Jaime, Esq. Maupin, Cox & Legoy P.O. Box 30000 Reno, NV 89520	10725-00661	10/23/2006	\$70,000.00	S

41	Deutscher, Dwayne H & Michelle T 5430 Fenton Way Granite Bay, CA 95746	10725-02029	1/11/2007	\$213,069.77	S, U
42	Dewhurst Family Trust Po Box 6836 Incline Village, Nv 89450	10725-02300	1/13/2007	\$100,000.00	S, U